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## **LANDER COUNTY LOCAL EMERGENCY PLANNING COMMITTEE**

### **BYLAWS**

#### **ARTICLE I - Name**

This organization shall be known as the Lander County Local Emergency Planning Committee (LEPC).

#### **ARTICLE II - Purposes**

The purposes of the LEPC are those set out in Title III of the Superfund Amendments and Reauthorization Act of 1986 (SARA), and NRS Chapter 459 as delegated to the LEPC and other lawful purposes which are assigned to it or permitted by the Lander County Board of Commissioners (LCBC) and/or the State Emergency Response Commission (SERC). In keeping with the intent of SARA Title III, all activities of the Committee will be conducted in a manner encouraging input and participation from all segments of the community.

The Committee's responsibilities include:

To facilitate the development of the Hazardous Materials Release/Spill Annex of the Lander County Emergency Operations Plan, including routine review and updating of the plan in accordance with SARA Title III.

To facilitate the development of the Acts of Terrorism Annex of the Lander County Emergency Operations Plan, including routine review and updating of the plan to protect the citizens of Lander County against the negative effects of terrorism.

- The receipt and management of reports and other information from covered facilities and other agencies.
- To provide local management and oversight of the provisions of SARA Title III and Emergency Preparedness and Community Right-To-Know activities, including public access to information.
- To conduct assessments of the resources necessary to implement the Annex, with recommendations to the appropriate people, agencies and organizations regarding additional resources needed to implement the Annex.
- Compliance and enforcement activities for the purposes of carrying out the provisions of responsibilities.

### **ARTICLE III - Membership**

#### **Section 1 - Members**

The Committee shall consist of as many members as shall be deemed necessary by the LEPC or SERC, but at the least shall consist of representatives from each of the following categories: elected local official, law enforcement, civil defense, firefighting, first aid, health, local environmental, hospital, transportation, community group, and owners and/or operators subject to the requirements of EPCRA. Membership at all times will attempt to include representatives of the groups listed in SARA Title III. Every effort shall be made to maintain a membership balance which represents the community.

The membership list shall be reviewed annually by the LEPC at any regular or special meeting and submitted for approval to the LCBC and the SERC. New persons shall be accepted as LEPC members by majority vote at any regular or special meeting.

#### **Section 2 – Inactive Membership**

Appointed members shall be considered inactive when they have missed more than three (3) consecutive meetings without notification to the Committee chairperson of a significant reason as to why they were unable to attend the meetings. An annual report listing members declared inactive will be provided to the LCBC and the SERC.

#### **Section 3 – Terms of Membership**

The Committee may appoint members for specified terms of office. LEPC members may serve until they give notice to the Committee that they no longer wish to be a part of the membership.

#### **Section 4 - Removal of Members**

The Lander County Board of Commissioners or the Committee by quorum vote, may remove a member.

#### **Section 5 – Vacancies**

Vacancies in membership of the Committee shall be filled using the process set out in Section 1 of this Article.

### **ARTICLE IV - Officers**

#### **Section 1 – Officers**

The officers of the Committee shall consist of a Chairperson and Co-chairperson. The Co-chairperson will serve in the absence of the Chair or if requested by the Chair.

## **Section 2 – Elections**

At the first meeting of each even numbered calendar year (July), the Committee shall elect from its own membership, a chairperson and co-chairperson who will serve for two years or until the office becomes vacant for any reason. These officers may serve more than one term consecutively with the Committees approval.

## **ARTICLE V - Staff**

Staff may be hired by the LEPC as necessary for the implementation of LEPC responsibilities. Staff personnel will be under the supervision of the chairperson.

## **ARTICLE VI - Subcommittees**

### **Section 1 – Establishment of Subcommittees**

The LEPC may establish subcommittees as necessary to assist with the completion of its work and objectives.

### **Section 2 – Subcommittee Chairpersons**

Subcommittee chairpersons shall be appointed by the LEPC chairperson.

### **Section 3 – Subcommittee Action**

All subcommittee action is subject to approval by the LEPC and must comply with the Nevada Open Meeting Law.

## **ARTICLE VII - Meetings**

### **Section 1 – Regular Meetings**

The LEPC will meet at least quarterly on the second Tuesday of the month. All actions taken by the Committee shall only be taken by a majority vote of the members present at the meeting. The Nevada Open Meeting Law shall be observed. Notice of the agendas will be posted in compliance with the Nevada Open Meeting Law at the following locations: 1) Battle Mountain Civic Center, 2) Swackhamer's Plaza Bulletin Board, 3) Lander County Courthouse, 4) Battle Mountain Post Office Bulletin Board, 5) Lander County Court House – Austin (Faxed to Austin Courthouse for posting).

**Section 2 – Special Meetings and Subcommittee Meetings**

The LEPC and its subcommittees may call additional meetings beyond the regular schedule as necessary for the conduct of its business. Additional LEPC meetings may be called by either the chairperson, co-chairperson or a quorum of the LEPC, but must be noticed and held in compliance with the Nevada Open Meeting Law.

Additional subcommittee meetings may be called by the subcommittee chairperson or a quorum of the subcommittee members. The Nevada Open Meeting Law rules shall be observed at all meetings except those exempted by the Nevada Open Meeting Law.

**Section 3 – Quorums**

A quorum will consist of a majority of the voting members.

**Section 4 – Meeting Procedures (Rules of Order)**

The deliberation of all meetings of the LEPC and its subcommittees shall be governed by Robert's Rules of Order, newly revised. Any member may make a motion and vote.

**Section 5 – Meeting Agendas**

Meeting Agendas will be set by the chairperson and/or co-chairperson with the assistance of staff. An item may be placed on the agenda at the request of any LEPC member.

**ARTICLE VIII - Voting**

Only members of the LEPC may vote on matters of the LEPC (or subcommittee deliberation). Each member may have one vote. A quorum must be present before a vote can be taken.

**ARTICLE IX – Public Availability**

The Lander County LEPC shall annually publish a notice in the Battle Mountain Bugle, advising the Hazardous Material Safety Data Sheets (MSDS) or Chemical Inventory lists, and follow-up emergency notes, are available for public review; consistent with Section 322 of the Emergency Planning and Community Right-To-Know Act (EPCRA). .

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## **ARTICLE X – Public Request for Information**

Any person requesting information entitled under Sections 311, 312, and 324 of EPCRA, shall submit a written request using the Lander County LEPC, Community Right-to-Know Information Request form. The request shall be addressed to the Lander County LEPC, P.O. Box 1625, Battle Mountain, NV, 89820. You can request a copy of the form by calling (775) 635-1100. The LEPC shall respond to requests for information no later than 45 days from the receipt of request. The LEPC chairperson shall serve as the Coordinator of Information.

## **ARTICLE XI – Public Comment**

Public comment concerning the Hazardous Materials Release/Spill Annex and the Acts of Terrorism Annex of the Lander County Emergency Operations Plan (EOP) or the LEPC activities in general, are welcome. The EOP will be open for discussion at every LEPC meeting. Comments or questions directed to the LEPC will be answered in writing within 14 working days, after appropriate coordination.

## **ARTICLE XII – Distribution of the Hazardous Materials Release/Spill Annex**

Routine distribution of the Annex will be in accordance with operational needs. Copies of the most recent published Annex will be available for public review. Any person requesting the annex, shall submit a written request using the Lander County LEPC, Community Right-to-Know Information Request form. The request shall be addressed to the Lander County LEPC, P.O. Box 1625, Battle Mountain, NV, 89820. You can request a copy of the form by calling (775) 635-1100.

## **ARTICLE XIII - Dissolution of LEPC**

In the event that the Lander County LEPC is dissolved or becomes inactive as determined by the Lander County Board of Commissioners; all equipment and responsibilities shall revert to the Lander County Board of Commissioners.

## **ARTICLE IXX – Amendments**

These bylaws shall be reviewed annually at any regular or special meeting of the LEPC. The bylaws may be amended or replaced provided that any changes have been distributed to all members 21 days prior to such action and upon the affirmative vote of a quorum of the LEPC members.

Adopted 30 January 2009

Mark Bennett  
Chairperson